

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 04, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALFREDO MAGANA GARIBAY

Defendant.

No. 4:15-cr-6049-EFS-18

**ORDER DENYING DEFENDANT'S
CONSTRUED MOTION TO
COMPEL DISCOVERY**

Before the Court is Defendant Alfredo Magana Garibay's pro se letter, ECF No. 1533, in which he requests the Court order the U.S. Attorney's Office (USAO) "hand over the 1099 and the 1096 to [Defendant's] attorney/trustee so he can fill [them] out to pay [his] 'penal' sum, so [he] can si[gn] it."¹ Given the relief requested, the Court construes Defendant's letter as a motion to compel discovery.

The Court denies this construed motion because Defendant has cited no statute, rule, or other authority requiring the USAO to produce the requested information on this record. Moreover, Defendant has not articulated why he

¹ The Court presumes that Defendant refers to Internal Revenue Service (IRS) 1099 and 1096 tax forms.

1 believes the USAO possesses his tax information, why such tax information is
2 relevant to any issue in this case (or a related case), or whether defense counsel in
3 this matter, Nicholas W. Marchi, also represents him regarding the issues
4 underlying Defendant's letter.²

5 Defendant is directed to the IRS website **<https://www.irs.gov>**, where he can
6 obtain information on how to obtain copies of his tax returns. The Court notes that
7 the IRS offers general phone assistance at **(800) 829-1040**. Additionally, the IRS
8 website states that taxpayers may order a tax-return transcript directly by calling
9 **(800) 908-9946**.³ The website also provides that a taxpayer may submit IRS form
10 4506-T to request a tax-return transcript for the past several years, and a taxpayer
11 may IRS form 4506 to request a specific tax return. For Defendant's convenience,
12 the Court encloses with this order a copy of both IRS forms, though *Defendant will*
13 *need to determine for himself whether either form is appropriate for the information*
14 *he seeks*.

16 ² See ECF No. 1533 (referencing the United Nations' 1948 Universal Declaration of
17 Human Rights but not connecting it in any way to the above-captioned case). See
18 also Fed. R. Crim. P. 16 (discovery and inspection); Fed. R. Evid. 402 (excluding
19 irrelevant evidence as not admissible); see also Fed. R. Civ. P. 26(b) (discovery scope
20 and limits in civil cases); Fed. R. Civ. P. 34 (producing evidence in civil cases).

21 ³ See, e.g., *Get Your Tax Record*, <https://www.irs.gov/individuals/get-transcript> (last
22 accessed May 4, 2022).

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant Alfredo Magana Garibay's construed motion to compel discovery, **ECF No. 1533**, is **DENIED**.
2. The Clerk's Office, in addition to the normal electronic filing, is directed to **MAIL** copies of Defendant's construed motion, **ECF No. 1533**, and **this order** with its **enclosures** to defense counsel and Defendant at the respective addresses:

Nicholas W. Marchi
Carney & Marchi PS
108 South Washington,
Suite 406
Seattle, WA 98104

and

Alfredo Magana Garibay
20510-085
Edgefield Federal Correctional Institution
Inmate Mail/Parcels
P.O. Box 725
Edgefield, SC 29824

3. This file shall remain **CLOSED**.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide a copy to Mr. Garibay and counsel.

DATED this 4th day of May 2022.



EDWARD F. SHEA
Senior United States District Judge